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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/821,472

04/08/2004

Giorgio Di Palma

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08/24/2006

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EXAMINER

AHMED, AAMER S

ART UNIT

PAPER NUMBER

3763

DATE MAILED: 08/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/821,472

Applicant(s)

PALMA, GIORGIO DI

Examiner

Aamer S. Ahmed

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06/12/2006.
- 2a) ☒ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper."

Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2, 4-5, 7-10, 12-13, 16-19, 22-23 and 25-31 rejected under 35 U.S.C. 102(b) as being anticipated by Goldenberg et al (US 5,352,198) and alternatively by Chu et al (US 5,928,208).

Goldenberg and Chu each disclose a catheter device having an anchoring end (Goldenberg 24, Chu 26), comprising a shaft (G12, C21) having a proximal and distal portion; a hub attached to the proximal portion of the shaft, the hub having a first member (G42, C31), a second member (G50, C111) slidably coupled to the first member, and a latch (G52; C121) and a

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cord (G46, C130) running from the distal portion of the shaft through the shaft and having a free end exiting from the hub; the hub having an unlatched state and a latched state in which the latch latches the first and second members together when the second member longitudinally slides relative to the first member and further comprising a manually operable release member coupled to the latch and being manually operable to release the latch from the latched state, wherein a sliding movement of the second member relative to the first member causes the latch to switch from the unlatched to the latched state; manual operation of the release together with a reverse sliding movement causing the latch to switch states, wherein unlatching of the latch is disabled without first operating the release member (see Goldenberg fig. 1 and 1A and Chu fig. 11 and 12).

Further the prior art reference teach that one of the first and second members has tongue (G52, C123) and the a recess that receives the tongue so that the cord is secured between the two parts and a projection of the second member; and wherein the latch further comprises a release member (see Goldenberg fig. 1a and Chu 116) coupled to the projection and operable to release the projection from the recess and a strain relief (G28, C112) slidably coupled to the shaft to cover the release member, a deformable sealing material disposed in the port (Goldenberg col. 3 line 32, Chu 107).

As to claims 14 and 24 Goldenberg discloses that the device includes a deformable semi-liquid seal (col. 3 line 32).

As to claims 3, 6, 11, 20 and 21 Chu et al disclose that the latch produces a tactile feedback when the first and second member are latched (col. 7 line 31), and wherein the hub

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further comprises a second recess (113) and an anti-rotation longitudinal slot (Chu fig. 11 and 12) disposed on one of the first and second member; an anti-rotation slide protrusion disposed on the other of the first and second members, and sized to be received in and to move along the anti-rotation longitudinal slot.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 14 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over, Chu in view of Goldenberg.

Chu discloses the device as described above in reference to claims 13 and 23, but fails to disclose a semi-liquid deformable sealing material.

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Goldenberg discloses a similar device with a semi-liquid deformable sealing material (col. 3 line 32).

It would have been obvious to one having ordinary skill in the art at the time of invention by applicant to modify the device of Chu et al by incorporating seal as taught by Goldenberg to provide a more flexible seal.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Goldenberg.

Referring to claim 15, it would have been an obvious matter of design choice to provide that the upper enclosure have a higher durometer than that of the deformable seal since the seal is a semi-liquid material.

### ***Response to Arguments***

Applicant's arguments filed 06/12/2006 have been fully considered but they are not persuasive.

Applicant argues that the prior art references fails to disclose that that second member is longitudinally slidable relative to the first member. However as stated above, the first and second member elements in each prior art reference is slidable. In Goldenberg the two member a longitudinally slidable even if this is achieved via rotation and in Chu the two members are longitudinally slidable without rotation.

### ***Conclusion***

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Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aamer S. Ahmed whose telephone number is 571-272-5965. The examiner can normally be reached on Monday thru Friday 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nicholas Lucchesi can be reached on 571-272-4977. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A. Ahmed

  
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